

Oct 06, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARIA N.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 1:20-CV-3248-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 18. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney L. Jamala Edwards represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 On remand, the Appeals Council shall instruct the Administrative Law Judge
2 (ALJ) to further develop the record and do the following: (1) reevaluate the
3 medical evidence of record, including but not limited to, the non-examining
4 opinion by Myrna Palasi, M.D., and the other medical source opinion by Corinna
5 Michels, ARNP; (2) reevaluate Plaintiff's subjective complaints; (3) reevaluate
6 Plaintiff's maximum physical and mental residual functional capacity as required
7 by Social Security Ruling 96-9p; (4) proceed with the remaining steps of the
8 sequential evaluation process; (5) as needed, obtain supplemental vocational expert
9 evidence to determine whether Plaintiff could still do her past relevant work or
10 other work existing in significant numbers in the national economy; and (6) offer
11 Plaintiff the opportunity for a hearing, take any further action needed to complete
12 the administrative record, and issue a new decision.

13 2. **Judgment shall be entered for PLAINTIFF.**

14 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is
15 **STRICKEN AS MOOT.**

16 4. An application for attorney fees and costs may be filed by separate
17 motion.

18 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
19 Order, forward copies to counsel, and **CLOSE THE FILE.**

20 DATED October 6, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE